APPENDIX "A"

Complaint

(Filed August 24, 1961)

"Now comes the Relator and alleges that Robert D. Kemper, an Attorney at Law, duly admitted to the practice of law in this State of Ohio is guilty of the following misconduct:

"1. That in July, 1959, respondent solicited professional employment by Earl H. Smith, of 3424 East Second Street, Dayton, Ohio, to handle a claim for damages for personal injury suffered by the said Smith on or about July 22, 1959.

"2. That respondent conspired . . . to persuade Earl H. Smith, of 3424 East Second Street, Dayton, Ohio, to execute a written agreement for fees providing for a fee of 50% of the amount recovered for said Smith as the result of personal injuries suffered on or about July 22, 1959. Upon the Settlement of said Smith's claim for damages, respondent accepted compensation based upon said 50% fee agreement,

". . .

"(ii) That such contingent fee was excessive, extortionate and was not reasonable under all of the circumstances of the case.

"3. That respondent undertook the representation of Mary Jill Richey, of 1017 Broadview Boulevard, Dayton, Ohio, in an action for divorce theretofore commenced by Cheldon Lautenburg, respondent's associate in the practice of law;

"That said Lautenburg and Mary Jill Richey agreed that the fee for such service be $150.00, one-half to be paid by the client's husband, Fred Roock and one-half to be paid by the client;

"That respondent was made aware of the fee arrangement on August 6, 1960, before the hearing on the non-con-

tested divorce, proceeded with the hearing on the same day and thereafter collected the sum of $75.00 from Fred Roock, and in September, 1960, by threatening attachment of the wages of Mary Jill Richey, collected the sum of $140.00 from the said Mary Jill Richey without revealing that respondent had already collected one-half of the fee from the client's former husband.

". . .

"5. That during the month of July, 1960, respondent provided legal services for Matilda Vacchiani, in the course of which respondent came into the possession of

"(i) Draft No. C-04821, dated July 6, 1960, issued by Hartford Fire Insurance Company Group, to the order of Matilda Vacchiani and United Public Insurance Company, in the sum of $500.00;

"(ii) Draft No. 52609, dated July 14, 1960, issued by United Public Insurance Company, payable to Matilda Vacchiani and Howard W. Heywood, M.D., in the sum of $209.00;

and knowing that Matilda Vacchiani had not endorsed either draft, negotiated said drafts with the name, Matilda Vacchiani, appearing thereon.

"6. That during the fall of 1960, respondent solicited Donna Minns, employed in the Record Section of the Police Department of the City of Dayton, Ohio, and offered to pay her the sum of $50.00, to contact and influence a police officer to drop a charge (of driving while intoxicated), then pending against one of respondent's clients. Approximately one week thereafter, respondent approached the same Donna Minns and increased the previous offer to $200.00 for the same service.

". . .

"8. That respondent solicited professional employment by the owners of policies of automobile liability insurance

issued by State Automobile Mutual Insurance Company and offered to split, with George Mooney, a layman claim agent for said insurance company, contingent fees earned by respondent in the representation of persons, with claims for personal injury, referred to respondent by the said Mooney, and

"In the representation of a person claiming damage for personal injury against a policy holder of said State Automobile Mutual Insurance Company, offered the aforesaid George Mooney compensation if he would cause the settlement of the claimant's case without regard to liability or the extent or validity of the claim of injury;

". . .

"10. That respondent offered David George Clemmer the sum of $300.00 to commit a felony, i.e., to cause bodily injury and/or death to a female person.

"That in all of the aforesaid respects and in every other respect, respondent's conduct brings the legal profession into disrepute and is contrary to

"(i) Rules XXVII and XXVIII of the Rules of Practice of the Supreme Court of Ohio, particularly Sections (5) and (1)(b) of Rule XXVII and Sections (2) and (3) of Rule XXVIII, thereof; and

"(ii) The Canons of Professional Ethics of the American Bar Association, adopted by the Supreme Court of Ohio, particularly Sections 9, 11, 13, 14, 15, 16, 22, 27, 28, 29, 32, 34, 35 and 38 of said Canons."

APPENDIX "B"

Rule XXVII

Disciplinary Procedure

(Effective January 1, 1957)

"Pursuant to the powers of this Court over the Bar of this State and the members thereof, Rule XXVII is hereby amended, as follows, effective on January 1, 1957, and to remain in force until altered or abrogated.

"*(1) Creation of Board of Commissioners on Grievances and Discipline.* There is hereby created as Commissioners of this Court a Board of Commissioners on Grievances and Discipline. Said Board of Commissioners is empowered and charged to receive, entertain, inquire into, take proofs, make findings and submit recommendations to this Court, as hereinafter provided,

"(a) concerning complaints of misconduct as hereinafter defined which are alleged to have been committed by any attorney or counselor at law or judge, or

"(b) concerning practices of any attorney and counselor at law or judge, which tend to defeat the administration of justice or to bring the courts or the legal profession into disrepute, or

"(c) relating to petitions for reinstatement as an attorney and counselor at law in this state.

"*(2) Investigations by Local or State Bar Committees.* Said Board of Commissioners on its own motion may cause to be instituted as to any such matters whatever investigation or action it deems proper by referring the matters to the Grievance Committee of the appropriate local bar association or to the Committee on Legal Ethics and Professional Conduct of the Ohio State Bar Association.

"*(3) Appointment of Board of Commissioners.* Said Board of Commissioners shall consist of seventeen (17)

members of the Bar of this Court, appointed by this Court. One member of such Board shall be appointed from each of the following districts: . . .

"*(4) Board to Have Exclusive Jurisdiction; Authority of Local Committees.* From and after the effective date of this rule, all proceedings for the investigation of complaints and grievances involving alleged misconduct by attorneys and conselors at law and judges, all proceedings for the discipline of such attorneys and counselors at law and judges, and all proceedings for reinstatement as an attorney and counselor at law shall be brought, conducted and disposed of in accordance with the provisions of this rule; provided, however, that nothing herein contained shall be construed to prevent any committee of any regularly organized local bar association or of the Ohio State Bar Association from investigating and reporting on any complaint filed with it, referred to it, considered by it, or coming to its attention.

"*(5) Definition of Misconduct.* Misconduct, as the term is used herein, shall mean any violation of any provision of the oath of office taken upon admission to practice of law in this state, or any violation of the Canons of Professional Ethics or the Canons of Judicial Ethics as adopted by the Court from time to time, or the commission or conviction of a crime involving moral turpitude.

"*(6) Manner of Discipline.* Each attorney and counselor at law or judge found guilty of misconduct shall be disciplined. The discipline of such persons shall be

"(a) a permanent disbarment from the practice of law, or

"(b) suspension for an indefinite period from the practice of law subject only to reinstatement as hereinafter provided, or

"(c) a public reprimand, or

"(d) a private reprimand.

"*(7) Effect of Discipline.* A person disbarred shall never thereafter be readmitted to the practice of law in this state. A person who shall have voluntarily surrendered his license to practice and thereafter has been reinstated in the manner hereinafter provided and a person who has been suspended for an indefinite period from the practice of law and thereafter reinstated in the manner hereinafter provided shall be disbarred upon being found guilty of subsequent misconduct. A person who has been publicly reprimanded for misconduct, upon being found guilty of subsequent misconduct, shall be suspended for an indefinite period from the practice of law or permanently disbarred, depending upon the seriousness of such misconduct.

"*(8) The Complaint, by Whom Signed.* A complaint, as the term is used herein, shall mean a formal written complaint alleging misconduct of one, who shall be designated therein as the Respondent. Such complaint shall not be accepted for filing unless it is signed by one or more members of the Bar of Ohio in good standing (who shall be counsel for the Relator) and supported by a certificate in writing signed either by the Chairman of the Committee on Legal Ethics and Professional Conduct of the Ohio State Bar Association or by the President, Secretary or Chairman of the Grievance Committee of any regularly organized local bar association in the State (which association shall be deemed the Relator), certifying that said counsel are duly authorized to represent said Relator in the premises and has accepted the responsibility of prosecuting the complaint to conclusion. Such certification shall constitute a representation that, after investigation, the Relator believes reasonable cause exists to warrant a hearing on such complaint. The complaint may also, but need not, be signed by the person aggrieved.

"*(9) Duty of Board upon Filing of Complaint; Notice to Respondent; Time for Answer.* All such complaints shall

be filed in quadruplicate in the office of the Secretary of the Board of Commissioners. If said Board of Commissioners finds that the complaint, upon its face, does not charge misconduct as herein defined, such complaint shall be dismissed. Otherwise said Secretary forth with shall cause a copy of such complaint to be sent by registered mail to the Respondent named therein with a notice requiring him to file within twenty (20) days after the mailing of such notice his answer in quadruplicate, and serve copies thereof upon counsel of record named in the complaint.

"*(10) Hearing by Panel of Three Commissioners.* After Respondent's answer has been filed, or the time has expired within which Respondent was required to file such answer, a formal hearing shall be held, upon reasonable notice, by a panel of Commissioners appointed by the Chairman of said Board of Commissioners, who shall designate one member of such panel as chairman of the panel. Such panel shall consist of three (3) Commissioners, no one of whom shall be a resident of the district from which such complaint originated. A majority of such panel shall constitute a quorum for all purposes.

"*(11) Duty of Panel if Charge Dismissed.* If the panel finds that the charges in any complaint do not merit the taking of disciplinary action, the complaint shall be dismissed, and such dismissal shall be reported to the Secretary of the Board of Commissioners, who shall notify the Respondent and all counsel of record of such action and shall notify the local bar association or associations of the County or Counties in which the Respondent resides and maintains his office, and of the County or Counties from which the complaint arose, of such action.

"*(12) Private Reprimand; Duty of Panel.* If the panel finds and determines that the Respondent is guilty of misconduct and that private reprimand should be administered, such panel shall administer such reprimand and such action shall be reported to the Secretary of

the Board of Commissioners, who shall notify the same persons and organizations that would have received notice if the complaint had been dismissed by such panel.

"*(13) Public Reprimand; Suspension or Permanent Disbarment; Duty of Panel.* If the panel finds and determines that the Respondent is guilty of misconduct and that public reprimand, indefinite suspension, or permanent disbarment is merited, the panel shall make its certified report of the proceedings before it, including its findings of fact and recommendations, and shall file the same, together with the transcript of testimony taken and an itemized statement of the actual and necessary expenses incurred in connection with such proceedings, with the Secretary of the Board of Commissioners.

"*(14) Review by Entire Board of Commissioners; Board to Administer Private Reprimand.* Upon review, said Board of Commissioners may refer the matter back to the panel for further hearing or may order a further hearing to be presented before said Board of Commissioners or may proceed upon the certified report of the prior proceedings before the panel. Upon the final review, the Board of Commissioners may dismiss the complaint or find that the Respondent is guilty of misconduct. If the Board of Commissioners determines that a private reprimand shall be administered it shall administer such private reprimand. If the complaint is dismissed, or a private reprimand is administered, such action shall be reported to the Secretary of the Board of Commissioners, who shall notify the same persons and organizations that would have received notice if the complaint had been dismissed by the panel that heard the matter.

"*(15) Public Reprimand; Suspension or Permanent Disbarment; Duty of Board after Review.* If the Board of Commissioners determines that a public reprimand, suspension for an indefinite period from the practice of law

or permanent disbarment is merited, said Board of Commissioners shall thereupon make a final certified report of such proceedings, including its findings of fact and recommendations, and shall file the same, together with the transcript of testimony taken and an itemized statement of the actual and necessary expenses incurred in connection with such proceedings, in the office of the Clerk of this Court, and shall forthwith notify the Respondent and all counsel of record of such action, enclosing with such notice a copy of the findings of fact and recommendations and a copy of the statement of the actual and necessary expenses incurred.

"*(16) Show Cause Order Issued by the Court to Respondent.* Upon the filing of such final report of the Board of Commissioners, this Court shall issue to the Respondent an order to show cause before this Court at a time to be specified not less than forty (40) days after the issuance of such order, why the report of said Board of Commissioners shall not be confirmed and a disciplinary order entered. Notice thereof shall be served by the Clerk of this Court upon the Respondent and all counsel of record, personally or by registered mail.

"*(17) Time for Filing Objections by Respondent.* At least twenty (20) days before the date for showing cause stated in the order of this Court, the Respondent shall file, in the number and form required by rules of this Court for original actions, objections, setting forth the grounds thereof, to the findings or recommendations of the Board of Commissioners and to the entry of a disciplinary order or to the confirmation of the report upon which said order to show cause was issued, and a brief in support of such objections, together with proof of service of copies thereof upon the Secretary of the Board of Commissioners and upon all counsel of record for the Relator in the hearing before the Board of Commissioners.

"*(18) Time for Filing Briefs by Relator.* Counsel for the Relator before the Board of Commissioners shall file or cause to be filed in the number and form required by the rules of this Court for original actions, such briefs as are deemed necessary in answer to any brief filed by Respondent, together with proof of service of copies thereof upon Respondent or counsel of record for Respondent. The same shall be filed within fifteen (15) days after the filing of Respondent's brief. Extension of time for filing objections and briefs shall be governed by rules applicable to original actions.

"*(19) Review by Court; Reimbursement for Expenses of Board; Duty of Clerk upon Entering Order.* Upon failure of Respondent to file objections within the time limited above, or after consideration of such objections and such briefs as may be filed for and against the same, and after hearing, if requested by this Court, this Court shall enter such order upon the matter as it may find proper, which may include such provision for reimbursement of the actual and necessary expenses incurred by the Board of Commissioners in connection with said proceedings as the Court shall deem just. Upon the entry of any disciplinary order pursuant to this rule, the Clerk of the Court shall mail certified copies thereof to counsel of record, to the Board of Commissioners, to Respondent, at his last known address, to the local bar association or associations in the County or Counties in which the Respondent resides and maintains his office and the County or Counties from which the complaint originated, to the Presiding Judge of the Court of Common Pleas for such County or Counties, and to the Presiding Judge of the United States District Court having jurisdiction in such County or Counties.

(20) Proceedings Private until Filed in Supreme Court. Unless and until filed in the Supreme Court of Ohio, all proceedings and documents relating to complaints and hearings thereon and proceedings in connection there-

with shall be private, unless the Respondent shall request in writing that they be public.

". . .

"*(27) Manner of Service of Notices, etc.* Whenever provision is made for the service of any notice, order, report or other paper or copy thereof upon any Respondent or Petitioner in connection with any proceeding involving a complaint or a petition for reinstatement, service may be made upon counsel of record for such Respondent or Petitioner, either personally or by registered mail.

"*(28) Quorum of Panel or Board.* A majority of the members of the Board of Commissioners or of a hearing panel shall constitute a quorum for all purposes and the action of a majority of those present comprising such quorum shall be the action of the Board of Commissioners or of such hearing panel.

"*(29) Clerk Is Agent for Service of Notices on Nonresident Attorney.* Any nonresident of this State, having been admitted as an attorney and counsel at law by the rules of this Court, or any resident of this State, having been admitted as an attorney and counsel at law by the rules of this Court, who subsequently becomes a nonresident or conceals his whereabouts, by such admission to the practice of law within this State makes the Clerk of this Court his agent for the service of any notice provided for in any proceeding instituted before the Board of Commissioners against such attorney and counsel at law or judge, pursuant to this rule.

"*(30) Manner of Service on Clerk; Record of Such Service Not a Public Record.* All such notices shall be served by the Secretary of the Board of Commissioners upon the Clerk of this Court by leaving at the office of said Clerk a true and attested copy of such notice and any accompanying document and by sending to the Respondent, by registered mail, postage prepaid, return receipt requested, a

like, true and attested copy, with an endorsement thereon of the service upon said Clerk of this Court, addressed to such Respondent at his last known address. The postmaster's receipt for the payment of such registered postage shall be attached to and made a part of the return of service of such notice by the Secretary. The panel or Board of Commissioners or Court before which there is pending any proceeding in which notice has been given as provided in this section may order such continuance as is necessary to afford the Respondent reasonable opportunity to appear and defend. The Clerk of this Court shall keep a record of the day and hour of the service upon him of such notice and any accompanying document, which shall not be a public record in the office of said Clerk.

"*(31) Each Member of Board to Have Power to Issue Subpoenas.* Each member of the Board of Commissioners shall have power to issue subpoenas and to cause testimony to be taken under oath. All such subpoenas shall be issued in the name and under the seal of this Court and shall be signed by a member of the Board of Commissioners.

"*(32) May Order Depositions.* Any member of the Board of Commissioners may order testimony of a witness to be taken by deposition within or without this State in the manner prescribed for the taking of depositions in civil actions, and such depositions may be used to the same extent as permitted in civil actions.

"*(33) Effect of Refusal to Testify.* The refusal or neglect of the person subpoenaed as a witness to obey a subpoena, to attend, to be sworn or to affirm, or to answer any proper question shall be deemed to be contempt of this Court and shall be punishable accordingly.

"*(34) Rules of Evidence.* All rules of evidence shall be observed in the conduct of all hearings, and the Respondent may be represented by counsel, who shall enter formal appearance.

"*(35) Docket of Complaints.* The Secretary of the Board of Commissioners shall keep a docket of each complaint and of all proceedings thereon, which shall be retained permanently as a part of the records of his office.

"*(36) Board May Prescribe Rules.* The Board of Commissioners may, subject to the prior approval of this Court, adopt other rules and regulations not inconsistent herewith.

"*(37) Rule to be Liberally Construed.* The process and procedure under this rule and other regulations approved by this Court shall be as summary as reasonably may be. Amendments to any complaint, notice, answer, objection, report or order to show cause may be made at any time prior to final order of the Court. The party affected by such amendment shall be given reasonable opportunity to meet any new matter presented thereby. No investigation or procedure shall be held to be invalid by reason of any nonprejudicial irregularity or for any error not resulting in a miscarriage of justice. This rule and such regulations relating to investigation and proceedings involving complaints of misconduct and petitions for reinstatement shall be liberally construed for the protection of the public, the Courts and the legal profession and shall apply to all pending investigations and complaints so far as may be practicable, and to all future investigations, complaints and petitions whether the conduct involved occurred prior or susbequent to the amendment of this rule. To the extent that application of this amended rule to such pending proceedings may not be practicable, the rules and regulations in force at the time this amended rule became effective shall continue to apply."

APPENDIX "C"

Rule XXVIII

Rules of Professional Conduct

(Effective January 12, 1954)

"*Section 1.* These rules of professional conduct shall be binding upon all members admitted to practice law in the State of Ohio, and the wilful breach thereof shall be punished by reprimand, by suspension or by disbarment, as may be determined by any court of competent jurisdiction.

"The Canons of Professional Ethics and the Canons of Judicial Ethics of the American Bar Association are adopted; and nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of attorneys or the consequences of a violation thereof.

"*Section 2.* An attorney at law shall not advertise or otherwise solicit professional employment. This rule shall not apply to the publication or use of ordinary professional cards or conventional listings in legal directories and newspapers.

"*Section 3.* An attorney at law shall not employ another to solicit or to obtain or remunerate another for soliciting or obtaining professional employment for him.

"*Section 4.* An attorney at law shall not acquire an interest adverse to a client in a subject-matter concerning which the attorney has been employed.

"*Section 5.* An attorney at law shall not, directly or indirectly, without the consent of his client, purchase property at a Probate, foreclosure or judicial sale in an action or proceeding in which he appears as attorney for a party.

"*Section 6.* An attorney at law shall not represent conflicting interests except with the consent of all parties concerned.

"*Section 7.* An attorney at law shall not accept professional employment without first disclosing to his prospective client his relation, if any, with the adverse party, and his interest, if any, in the subject-matter of the employment.

"*Section 8.* An attorney at law shall not accept employment adverse to a client or former client relating to a matter in reference to which he has obtained confidential information by reason of and in the course of his employment by such client or former client."

APPENDIX "D"

Findings of Fact, Conclusions and Recommendation of Board of Commissioners

(Filed October 18, 1962)

"This matter came on for the consideration of the Board of Commissioners on Grievances and Discipline on the report of the Hearing Panel, the transcript of the proceedings before said Panel and the record. On consideration whereof the Board makes the following Findings of Fact, Conclusions and Recommendation:

"As to Charge No. 1 the evidence shows that the respondent went to the hospital where Earl H. Smith was

"Findings of Fact

a patient within twenty four (24) hours after he had received serious personal injuries, having both legs amputated below the knees, on the excuse that he was going to investigate a matter of medical payments under an insurance policy. The medical payments under an insurance policy are payable without regard to fault and therefore no investigation was indicated or necessary. While respondent was there for said purported reason he happened to have just one (1) copy of a contingent fee contract with him and had the said Earl H. Smith sign the same although said Earl H. Smith was under sedation at the time. Later, however, the evidence shows that that contract was changed in several respects and eventually the respondent along with an attorney by the name of Schroader represented this claimant in the Federal Court at Dayton, Ohio, in an action growing out of said personal injuries.

"The Board finds from the evidence that the Respondent is guilty of Charge No. 1.

"As to Charge No. 2 the Board finds that the evidence was (satisfactory) to prove . . . . Paragraph II that said

contingent fee was excessive, extortionate and was not reasonable under all circumstances. The evidence shows that the said Earl H. Smith was operating a heavy piece of equipment on a super highway near Dayton, Ohio. The evidence shows that said claim for Earl H. Smith grew out of a Trans World Airways truck striking the rear end of his heavy equipment and therefore the liability in the matter was beyond question and the only matter to be determined was the amount. The evidence further shows that the matter was compromised for Ninety Thousand Dollars ($90,000.00) and the respondent and Mr. Schroader took Forty Five Thousand Dollars ($45,000.00) for their fee in this matter.

"The Board therefore concluded that Paragraph II of the second charge was sustained by the evidence and the respondent was guilty thereof.

"As to charge No. 3 the respondent undertook to represent one, Mary Jill Richey, in an action for divorce theretofore commenced by a former associate by the name of Cheldon Lautenburg and that there was an agreement that Lautenburg should get for his service One Hundred Fifty Dollars ($150.00) one-half (½) to be paid by the clients husband, Fred Rooch, and one-half (½) to be paid by the client; that respondent knew of said arrangement and before the hearing on the non-contested divorce collected Seventy Five Dollars ($75.00) from Fred Rooch and by threatening an attachment, collected One Hundred Forty Dollars ($140.00) from Mary Jill Richey, without revealing that he had already collected one-half (½) of the fee from the client's former husband and therefore the Board finds that the respondent willfully and deliberately collected a larger fee than provided for in the contract and that he is guilty of Charge No. 3.

". . .

"As to Charge No. 5 the evidence shows that the respondent did endorse the drafts as alleged in the charge

but that the money eventually reached the persons who were entitled thereto and that in spite of the fact that he may have endorsed them without authority, which is not good practice, since the money went to the persons who were entitled thereto under the drafts that there was no one injured by that process and therefore the Board finds that said charge is not supported by the evidence.

"As to Charge No. 6 the evidence shows that Donna Minns was employed by the Record Section of the Police Department and that the respondent contacted her and made an offer to her of Fifty Dollars ($50.00) to influence the police office to drop a charge of driving while intoxicated pending against one of respondents clients. The evidence further shows that he also made an offer of Two Hundred Dollars ($200.00) for the same service to the same person and the Board therefore finds that said Charge No. 6 is sustained by the evidence and respondent is guilty of Charge 6.

". . .

"As to Charge No. 8 the Board finds that the respondent solicited personal employment from George Mooney a layman claim adjusted of an insurance company and offered to split fees with him and further that he also requested said George Mooney to make payment on an unfounded claim regardless of liability of the insurance company and to split his fee obtained thusly with the said George Mooney and therefore the Board finds the respondent guilty of both paragraphs of Charge No. 8.

". . .

"As to Charge No. 10 the evidence shows that the respondent offered the said David George Clemmer the sum of Three Hundred Dollars ($300.00) to commit a felony; i.e. to cause bodily injury and/or death to a female person. The respondent on the witness stand did not deny that Matilda Vacchiani was "bugging him" and that

he said the things that he did to David George Clemmer but attempted to explain it by saying that it was not made seriously or with any criminal intent. The mere fact that the statement or statements were made was evidenced to the Board of Commissioners that this respondent did not have the necessary judgment to be an attorney and counselor at law and in fact the statements were made to a person who was of questionable reputation does not show the necessary qualifications in this respondent to be and remain an attorney at law.

"The report of the Hearing Panel and the record revealed to the Board that the associates of the respondent were not of the reputation and standing in the community to associate with one who is charged with the serious responsibility of being an attorney at law.

"The Board finds that the evidence does sustain the charge in No. 10 and therefore finds the respondent guilty under said Charge 10.

"*Conclusions of Law*

"It is the determination of the Board of Commissioners from the foregoing findings of fact that the respondent is guilty of misconduct as defined in Section 5, Rule XXVII of the Supreme Court of Ohio and that the record discloses a violation of Sections 13, 27, 29, 34 and 38 of the Canons of Professional Ethics of the American Bar Association adopted by the Supreme Court of Ohio.

"*Recommendation*

"It is the Recommendation of the Board of Commissioners on Grievances and Discipline that the respondent, Robert D. Kemper, be permanently disbarred from the practice of law."